

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2120 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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H M JADEJA

Versus

STATE OF GUJARAT

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Appearance:

MR BP TANNA for Petitioners  
MISS SJ MANDAVIA for Respondent No. 1, 2

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/05/96

ORAL JUDGEMENT

Heard learned counsel for the parties.  
The petitioners (in all four) in this special civil application prayed for a declaration that they may be entitled to draw salary and allowances in the pay scale of Rs.700 - 1600 from the date of their appointment, and further the respondents may be directed to pay arrears of salary to them. Prayer for interim relief has also been made but interim relief was not granted. The petitioners

were appointed as Librarians in different Colleges run by the State of Gujarat. In Para 3 of this special civil application, the petitioners have given details of service particulars, qualifications and names of the Colleges where they are working. The grievances of the petitioners are that the respondents are committing illegality in insisting for the higher qualifications for availing of the benefits of revision of pay scale. In Para 2 of the special civil application, the petitioners have come out with the case that this precisely the same issue involved, has been decided in Special Civil Application No. 296 of 1986 filed by the Physical Training Instructors who had identical and similar case to that of the petitioners of this special civil application. The aforesaid special civil application has been decided by this court on 11th February, 1986. A reference has also been made to other special civil applications and one of them is Special Civil Application No. 872 of 1985, wherein also the identical issue has been decided. The learned counsel for the parties does not dispute this fact. On the contrary, she stated that Special Civil Application No. 872 of 1985 was decided on April 18, 1986, Special Civil Application No. 296 of 1986 was decided on February 11, 1986 and Special Civil Application No. 4672 of 1985 was decided on April 18, 1986. The counsel for the parties have stated that this special civil application may be decided in terms of the order passed by this Court in Special Civil Application No. 872 of 1985. It is also not in dispute that all the petitioners are in service as Librarian prior to the resolution dt. December 19, 1983.

Considering the facts and circumstances of this case, this special civil application is allowed. The respondents are directed to place the petitioners in the pay scale of Rs.700 - 1600 with effect from 1/4/1980 as per resolution dt. December 19, 1983 the effect of which has been given from 1/4/1980, without insisting upon possessing or acquiring higher qualifications. The respondents are further directed to pass necessary orders of fixation of the salary of the petitioners in the pay scale of Rs.700 - 1600 with effect from 1/4/1980 within a period of three months from the date of receipt of the certified copy of this order and thereafter arrears payable to the petitioners shall be determined within a period of one month. The amount of arrears so determined shall be paid to the petitioners within a period of one month next thereafter. Rule is made absolute to the aforesaid extent.

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